

ARTICLE VII TRANSFERS

(Transfers for Community Corrections see Appendix S-2)

Section 1 Eligibility

A. Employees must have been in their current classification for at least six (6) months in order to be eligible for transfers pursuant to this Article, but may not transfer more than twice during the life of the agreement. Transfers to a position under the supervision of the employee's current supervisor will not be counted towards the limitation of two transfers during the life of the agreement. However, if an employee goes into a classification with a lower pay grade in lieu of layoff, the employee shall immediately be eligible for transfers pursuant to this Article. Additionally, an employee who is required to change shifts upon promotion shall be immediately eligible for transfer to a different shift within the employing unit.

B. Employees who desire to transfer to another position within the same classification, either between employing units of a State agency or between State agencies, shall file a written request as prescribed by the agency or, if between State agencies, with the appropriate departmental personnel office indicating that interest.

Section 2 Transfers Within Employing Units

A. The Employer shall post all openings indicating the specific location, shift, work unit and days off. Specific location shall be defined as the organizational unit of the agency. Specific shift shall be defined as the hours of work. Specific work unit shall be defined as the area inside of the organizational unit where the employee performs his/her work. Specific work unit can be defined as rotating post or relief post. Specific days off shall be the days off that are assigned to the position.

A period of five (5) work days from the date of the announcement shall be allowed for interested employees to file a written request to be included in the group of applicants to be considered for that vacancy. At the close of the five (5) work day posting period, the Employer will review those requests from any employee in the same employing unit who is in the same classification as the vacancy. When an employee applies for a posted position and has not removed his/her name by the close of the posting, the employee must accept the job, if offered. The Employer shall offer the position to the most senior bargaining unit employee who has filed a transfer request. In the event an employee is the most senior bidder for more than one position simultaneously, he/she shall immediately accept one of the positions.

B. The Employer shall transfer the most senior employee who makes the transfer request for the open position provided he/she possesses the ability to perform the duties as assigned and meets any job related special or selective certification requirements. Such requirements shall be reflected on the posting. The Employer may deny transfers if the transfer would substantially impair the Employer's ability to maintain operational efficiency. The Employer is not obligated to retrain employees in order to qualify them for transfers under the provisions of this Article.

Board of Regents see Appendix M-4, M-5, M-6, M-7; Department of Workforce Development see Appendix T

Section 3 Transfers Between Employing Units Within a State Agency

In the event a vacancy is not filled by transfer of an employee under the provisions of Section 2 of this Article, the Employer shall consider interested employees who are in the same classification as the vacancy from other employing units of the agency who have indicated an interest in the specific location, shift, work unit and days off by submitting a transfer request. The Employer shall transfer the most senior employee who makes such request for the open position provided he/she possesses the ability to perform the duties as assigned and meets any job related special or selective certification requirements. The Employer may deny transfers if the transfer would substantially impair the Employer's ability to maintain operational efficiency. The Employer is not obligated to retrain employees in order to qualify them for transfers under the provisions of this Article. The employee shall have three (3) working days in which to accept or decline the offer in writing.

(Department of Workforce Development see Appendix T)

Section 4 Transfers Between State Agencies

In the event a vacancy is not filled under the provisions of Sections 2 or 3 of this Article, the Employer shall consider interested employees in the same classification as the vacancy from other state agencies who have filed a transfer request. The Employer shall offer the position to the most senior employee who makes such request for the open position. The employee shall have three (3) working days in which to accept or decline the offer in writing.

Section 5 Definition of Permanent Vacancy

For purposes of this Article, a permanent vacancy is created:

A. When the Employer has approval to increase the work force and decides to fill the new positions;

B. When any of the following personnel transactions take place and the Employer decides to replace the previous incumbent: termination, transfer out of the bargaining unit, promotion, or demotion;

C. If no employee has indicated a desire to transfer to a vacancy and the Employer fills such vacancy by transfer of an employee from another classification in the same salary range and determines that the vacated position is to be filled, such position shall be subject to the provisions of this Article;

D. Transfers within the bargaining unit resulting from Sections 2, 3, or 4 above;

E. Where the Employer creates new shifts and/or days off schedule.

Section 6 Transfer Limitations

A. The application of the procedures in this Article shall be limited to the original vacancy and the six (6) subsequent vacancies resulting from the filling of the original vacancy.

B. Employees may not transfer under the provisions of this Article more often than once every six (6) months unless reassigned by management within the six (6) month period.

(Fiscal and Staff Unit see Appendix Q-1)

C. Employees who decline two (2) transfer opportunities within a twelve (12) month period will have their names removed from the register for a period of six (6) months. It is the responsibility of the employee to resubmit a transfer request following the six (6) month period.

D. Employees transferring under the provisions of this Article shall not be eligible for payment of moving expenses by the Employer.

E. Employees transferring into federally funded positions will receive the salary provided by the federal grant.

F. In all employing units in which vacancy lists are maintained the local union shall be allowed to inspect vacancy lists on a monthly basis.

G. Nothing in this Article shall be construed as a limitation on the Employer's ability to reassign employees to meet agency needs as determined by the Employer. Employees reassigned more than 25 miles from the original work site will be provided a twenty (20) working day notice. Employees who refuse to accept such reassignment will be afforded the rights set forth in Article VI, Section 2(H).

H. Transfers will be granted as follows:

1. Transfer within the employing unit pursuant to Section 2.
2. Recall within the employing unit to the class and status (full-time or part-time) from which laid off.
3. Promotion, demotion, reclassification within the employing unit (Employer's discretion).
4. Transfer within the employing unit of part-time employees to full-time positions or full-time employees to part-time positions.
5. Transfer between employing units pursuant to Section 3.
6. Recall between employing units to the class from which laid off.
7. Promotion or demotion between employing units or between agencies (Employer's discretion).
8. Transfer between employing units of part-time employees to full-time positions or full-time employees to part-time positions.
9. Transfer between agencies pursuant to Section 4.
10. Recall between agencies to the class from which laid off.
11. Recall to a class other than one from which laid off.
12. New hire (Employer's discretion).

I. When a unit, office, or post within an employing unit goes out of existence and the affected employees are not laid off, the Employer shall offer existing vacancies for which no employee within the employing unit bid to the employees affected by the closure in seniority order. Employees who select a vacancy shall not be subject to the waiting periods established in (B) above for the exercise of transfer rights.

J. This definition shall apply anywhere the terms "special qualifications" or "selective certification requirements" are used in this Agreement. "Special qualifications" and "selective certification requirements" shall consist only of those legal requirements and job related knowledges, skills, abilities, or competencies that are:

1. Appropriate to the job classification of the position;
2. Necessary for successful performance of the essential duties of the position, and;

3. Of a nature and extent that an individual lacking such "special qualifications" could not acquire them and become proficient in them through reasonable orientation or other training of a limited duration.

All "special qualifications" and "selective certification requirements" shall be announced in the job posting.